

1 AMENDMENT TO SENATE BILL 400

2 AMENDMENT NO. _____. Amend Senate Bill 400 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Southwest Suburban Railroad Redevelopment Authority Act.

6 Section 5. Legislative declaration. The General
7 Assembly declares that the welfare, health, prosperity, and
8 moral and general well-being of the people of the State are,
9 in large measure, dependent upon the sound and orderly
10 development of municipal areas. The Southwest Suburban area,
11 by reason of the location therein of vital roadways and their
12 use for vehicular travel in access to the entire southwest
13 metropolitan Chicago area, as well as commercial and
14 industrial growth patterns and accessibility to manufacturing
15 and freight-related facilities, have become and will
16 increasingly be the hub of transportation from all parts of
17 the region and throughout the southwest metropolitan area.
18 Motor vehicle traffic, pedestrian travel, and the safety of
19 both motorists and pedestrians are substantially aggravated
20 by the location of railroad grade crossings. Additionally,
21 certain development opportunities may exist in the project
22 area that would stabilize and enhance the tax base of

1 existing communities, maintain and revitalize existing
2 commerce and industry, and promote comprehensive planning
3 within and between communities. The presence of the railroad
4 grade crossings are detrimental to the orderly expansion of
5 industry and commerce and to progress of the region. To
6 alleviate this situation it is necessary to relocate the
7 railroad tracks, to separate the grades at crossing, to
8 acquire property for relocation or submergence of the
9 railroad or highways, to create an agency to facilitate and
10 accomplish that relocation, and to direct infrastructure and
11 development improvements in the Southwest Suburban area.

12 Section 10. Creation; duration. There is created a body
13 politic and corporate, a unit of local government, named the
14 Southwest Suburban Railroad Redevelopment Authority,
15 embracing the municipalities of Chicago Ridge, Burbank,
16 Bedford Park, Worth, Lansing, Glenwood, Chicago Heights,
17 Robbins, Markham, Tinley Park, Orland Park, Palos Park,
18 Crestwood, Dolton, Riverdale, Harvey, Oak Lawn, Dixmoor,
19 Bridgeview, Alsip, Oak Forest, Midlothian, Palos Heights,
20 Evergreen Park, Posen, Blue Island, and Merrionette Park.
21 The Authority shall continue in existence until the
22 accomplishment of its objective, the relocation of railroad
23 tracks and roadways and the grade separation of railroads
24 from the right-of-way and at-grade crossing closures within
25 the Southwest Suburban area, or until the Authority
26 officially resolves that it is impossible or economically
27 unfeasible to fulfill that objective.

28 Section 15. Acquisition of property. The Authority has
29 the power to acquire by gift, purchase, or legacy the fee
30 simple title to real property located within the boundaries
31 of the Authority, including temporary and permanent
32 easements, as well as reversionary interests in the streets,

1 alleys, and other public places and personal property,
2 required for its purposes, and title thereto shall be taken
3 in the corporate name of the Authority. Any such property
4 that is already devoted to a public use may nevertheless be
5 acquired, provided that no property belonging to the United
6 States of America or the State of Illinois may be acquired
7 without the consent of that governmental unit. No property
8 devoted to a public use belonging to a corporation subject to
9 the jurisdiction of the Illinois Commerce Commission may be
10 acquired without a prior finding by the Illinois Commerce
11 Commission that the taking would not result in the imposition
12 of an undue burden on intrastate commerce. All land and
13 appurtenances thereto, acquired or owned by the Authority,
14 are to be deemed acquired or owned for a public use or public
15 purpose.

16 Section 20. Sale or exchange of property. The Authority
17 has the power to sell, transfer, exchange, vacate, or assign
18 property acquired for the purposes of this Act as it deems
19 appropriate.

20 Section 25. Acceptance of grants, loans, and
21 appropriations. The Authority has the power to apply for and
22 accept grants, loans, advances, and appropriations from the
23 federal government and from the State of Illinois or any
24 agency or instrumentality thereof to be used for the purposes
25 of the Authority, and to enter into any agreement in relation
26 to the grants, loans, advances, and appropriations. The
27 Authority may also accept from the State, any State agency,
28 department, or commission, any county or other political
29 subdivision, any municipal corporation, any railroad, any
30 school authority, or jointly therefrom, grants of funds or
31 services for any of the purposes of this Act. The Authority
32 shall be treated as a rail carrier subject to the Illinois

1 Commerce Commission's jurisdiction and eligible to receive
2 money from the Grade Crossing Protection Fund or any fund of
3 the State or other source available for purposes of promoting
4 safety and separation of at-grade railroad crossings or
5 highway improvements.

6 Section 30. Taxing powers. The Authority may not levy
7 real property taxes for any purpose whatsoever.

8 Section 35. Board; compensation and expenses. The
9 Authority shall be governed by a 28-member board consisting
10 of the mayors or village presidents, or their designees, of
11 Chicago Ridge, Dolton, Burbank, Bedford Park, Worth, Lansing,
12 Glenwood, Chicago Heights, Robbins, Markham, Tinley Park,
13 Orland Park, Palos Park, Crestwood, Riverdale, Harvey, Oak
14 Lawn, Dixmoor, Bridgeview, Alsip, Oak Forest, Midlothian,
15 Palos Heights, Evergreen Park, Posen, Blue Island, and
16 Merrionette Park and the Chairman of Commuter Rail Board
17 (created by the Regional Transportation Authority) or his or
18 her designee. The office of Chair shall rotate annually and
19 shall represent each of the participating municipalities
20 until each one has served as Chair, upon which time the
21 office of Chair shall rotate back to the original
22 representative member. Each representative member shall take
23 and subscribe the constitutional oath of office and file it
24 with the Secretary of State. The members of the board shall
25 serve without compensation, but may be reimbursed for actual
26 expenses incurred by them in the performance of duties
27 prescribed by the Authority. However, any member of the
28 board who serves as secretary or treasurer may receive
29 compensation for services as that officer. Any of the 27
30 member municipalities may opt out of the Authority by a
31 majority vote of the corporate authorities of that
32 municipality. That municipality shall notify the Authority in

1 writing of its vote to opt out of the Authority.

2 Section 40. Organization; chair and temporary secretary.
3 As soon as possible after the effective date of this Act, the
4 board shall organize for the transaction of business, select
5 a Chair and a temporary Secretary from its own number, and
6 adopt bylaws to govern its proceedings. The initial Chair
7 and successors shall be elected by the board from time to
8 time from among members. The board may act through its
9 members by entering into an agreement that a member act on
10 the board's behalf, in which instance the act or performance
11 directed shall be deemed to be exclusively of, for, and by
12 the board and not the individual act of the member or its
13 represented person.

14 Section 45. Meetings; quorum; resolutions. Regular
15 meetings of the board shall be held at least quarterly, the
16 time and place of those meetings to be fixed by the board.
17 Special meetings may be called by the Chair or by a majority
18 of the members of the board by giving notice thereof in
19 writing, stating the time, place, and purpose of the meeting.
20 The notice shall be served by special delivery letter
21 deposited in the mails at least 48 hours before the meeting.
22 A majority of the members of the board shall constitute a
23 quorum for the transaction of business. All action of the
24 board shall be by resolution and, except as otherwise
25 provided in this Act, the affirmative vote of at least a
26 majority shall be necessary for the adoption of any
27 resolution. The Chair shall be entitled to vote on any and
28 all matters coming before the board.

29 Section 50. Secretary and Treasurer; oaths; bond of
30 Treasurer. The board may appoint a Secretary and a
31 Treasurer, who need not be members of the board, to hold

1 office at the pleasure of the board, and fix their duties and
2 compensation. Before entering upon the duties of their
3 respective offices, they shall take and subscribe to the
4 constitutional oath of office, and the Treasurer shall
5 execute a bond with corporate sureties to be approved by the
6 board. The bond shall be payable to the Authority in
7 whatever penal sum may be directed by the board conditioned
8 upon the faithful performance of the duties of the office and
9 the payment of all money received by the Treasurer according
10 to law and the orders of the board. The board may, at any
11 time, require a new bond for the Treasurer in any penal sum
12 that may then be determined by the board.

13 Section 55. Deposit and withdrawal of funds; signatures.
14 All funds deposited by the Treasurer in any bank or savings
15 and loan association shall be placed in the name of the
16 Authority and shall be withdrawn or paid out only by check or
17 draft upon the bank or savings and loan association, signed
18 by the Treasurer and countersigned by the Chair of the board.
19 Subject to prior approval of the designations by a majority
20 of the board, the Chair may designate any other member or any
21 officer of the Authority to affix the signature of the
22 Treasurer to any Authority check or draft for payment of
23 salaries or wages and for payment of any other obligation of
24 not more than \$2,500.

25 No bank or savings and loan association shall receive
26 public funds as permitted by this Section unless it has
27 complied with the requirements established under Section 6 of
28 the Public Funds Investment Act.

29 Section 60. Delivery of check after executing officer
30 ceases to hold office. If any officer whose signature appears
31 upon any check or draft issued pursuant to this Act ceases to
32 hold office before the delivery of the check or draft to the

1 payee, the officer's signature nevertheless shall be valid
2 and sufficient for all purposes with the same effect as if
3 the officer had remained in office until delivery of the
4 check or draft.

5 Section 65. Rules. The board may make all rules and
6 regulations proper or necessary and to carry into effect the
7 powers granted to it. The rules and regulations shall be
8 consistent with the guidelines, objectives, and project scope
9 as set out by the Illinois Commerce Commission.

10 Section 70. Fiscal year. The Authority shall designate
11 its fiscal year.

12 Section 75. Reports and financial statements. Within 60
13 days after the end of its fiscal year, the board shall cause
14 to be prepared by a certified public accountant a complete
15 and detailed report and financial statement of the operations
16 and assets and liabilities as relate to the projects
17 undertaken by the Authority. A reasonably sufficient number
18 of copies of the report shall be prepared for distribution to
19 persons interested, upon request, and a copy of the report
20 shall be filed with the Illinois Commerce Commission and with
21 the county clerk of Cook County.

22 Section 80. Construction. Nothing in this Act shall be
23 construed to confer upon the Authority the right, power, or
24 duty to order or enforce the abandonment of any present
25 property of the railroads or the use in substitution therefor
26 of any property acquired for the railroads in the absence of
27 a contract duly executed by the railroads and the Authority
28 setting forth the terms and conditions upon which relocation
29 of the right-of-way and physical facilities of the railroads
30 is to be accomplished. No such contract shall be or become

1 enforceable until the provisions of the contract have been
2 approved or authorized by the Illinois Commerce Commission.

3 Section 85. Existing contracts, obligations, and
4 liabilities. No contract, obligation, or liability whatever
5 of the railroads to pay any money into the State treasury,
6 nor any lien of the State upon or right to tax property of
7 the railroads, shall be released, suspended, modified,
8 altered, remitted, or in any manner diminished or impaired by
9 the contract with the Authority, and any such charter
10 provisions applicable to the property on which the railroads
11 are now located shall be deemed in full force and effect with
12 respect to any property on which the railroads are relocated
13 in substitution therefor pursuant to the provisions of this
14 Act or any such contract with the Authority pursuant thereto.
15 Notwithstanding, upon order of the Illinois Commerce
16 Commission, the Authority shall succeed to and assume the
17 performance and actions of the represented persons under the
18 terms of the order and amending orders previously entered
19 relative to projects undertaken by the Authority and
20 consistent with the objectives of the Authority.

21 Section 90. Severability. The provisions of this Act
22 are severable under Section 1.31 of the Statute on Statutes.

23 Section 999. Effective date. This Act takes effect upon
24 becoming law."